

Arrest <input checked="" type="checkbox"/>	WESTMINSTER POLICE DEPARTMENT 8200 Westminster Blvd., Bldg. 5, Westminster, CA 92683 CA0302400	CASE # 11-08917
Crime <input type="checkbox"/>	Narrative Report	
Non Criminal <input type="checkbox"/>	Page 1 of 6	

OFFENSE(S) 23152 (A) VC; Dui Alcohol/Drugs; Misd. 20002 (A) VC; Hit And Run:Property Damage; Misd.	OFFENSE(S) cont'd.			
DATE, TIME AND DAY OF OCCURENCE 10/09/11 15:07 Sunday	DATE AND TIME REPORTED 10/09/11 15:07			
LOCATION OF OCCURENCE Goldenwest St, SB/NO Bolsa Av	LOCATION NAME	TYPE OF LOCATION Street or Highway	BEAT WS	SECTOR 30

NARRATIVE

SUMMARY

The Arrestee was involved in the non-injury traffic collision and left the scene prior to leaving required information with the other driver. He returned to the scene of the collision and was arrested to DUI.

OFFICER'S ON SCENE

Cpl. C. Knauerhaze (Assisted with FST)

Cpl. R. Weber (Assisted at scene)

PSO J. Beltran (Took the collision report)

Sgt. A. Iwashita (Assisted with the booking process and chemical test refusal)

EVIDENCE

185-001: Digital audio recording of witness statements and Serrano's statements in the field

185-002: Digital audio recording of Serrano's statements in the jail

185-003: CFP blood sample refusal form

185-004: White index card with Serrano's name and phone number (left with the victim)

PRELIMINARY PAS RESULTS

Refused

EVIDENTIARY BREATH/BLOOD TEST

Refused

SUSPECT

Serrano, Gerry [REDACTED]

[REDACTED] **VEHICLE**

1997, Chevy 1500 pick-up truck, blue [REDACTED]

NARRATIVE

On 10/09/10 at approx. 1507 hours, I responded to the area of Goldenwest and Bolsa, reference a traffic collision investigation. Dispatch advised a blue truck and a black

ADMINISTRATION

BY OFFICER P. Walker 185	DATE/TIME 10/09/2011 23:41	APPROVED BY Alan Iwashita 154	DATE APPROVED 10/10/11
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Closed

Arrest
Crime
Non Criminal

WESTMINSTER POLICE DEPARTMENT

8200 Westminster Blvd., Bldg. 5, Westminster, CA 92683
CA0302400

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Narrative Report

Page 2 of 6

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TYPE OF LOCATION
Street or Highway

BEAT
WS
SECTOR
30

NARRATIVE

Mistubishi were involved in a traffic collision and had pulled into the Mobile gas station on the south/west corner of Bolsa and Goldenwest. Dispatch further advised they could hear an argument in the back ground of the caller. While I was en route to the location, dispatch updated the call to a hit and run. They said one of the parties involved was leaving the scene in a blue pick-up truck and was being followed by the victim. Dispatch gave a license plate of [REDACTED]. They further stated that the victim lost sight of the suspect vehicle in the area of Goldenwest and McFadden and they were going to meet officers at the "I-Hop" restaurant at 15122 Goldenwest. When I arrived at the I-Hop, dispatch advised the plate on the suspect vehicle returned to a, "Gerry Serrano."

VICTIM [REDACTED] STATEMENT

[REDACTED] told me he was south bound on Goldenwest, stopped for a red light at the Mall Access Rd., when his vehicle was struck from behind by a male white, driving a blue pick-up truck. The male, later identified as Gerry Louis Serrano, walked up to the driver's side door after they pulled over and stopped at a gas station. Serrano became nervous when he realized [REDACTED]'s wife was on the phone with police and told them they could take care of everything themselves and he could not stay at the scene.

He told them he could pay them money, but then became insulting towards [REDACTED]'s wife. [REDACTED] told Serrano he should watch what he says about his wife. Serrano then got into his vehicle and left the location, south bound on Goldenwest. [REDACTED], believing Serrano was attempting to flee the scene of the collision, followed Serrano, but stopped when the police dispatcher told him not to follow the vehicle any longer. [REDACTED] said he believed Serrano left the scene prior to police showing up because he was possibly intoxicated. I asked what made him believe he was intoxicated. [REDACTED] said Serrano's speech was slurred when he was speaking with him. I asked if he could identify the driver if seen again and he said yes. I asked if he desired prosecution for hit and run and he said yes.

A few minutes later I received information that Serrano was returning to the scene and that he may have exchanged information with [REDACTED]. I asked [REDACTED] if he exchanged information with Serrano and he said no. His wife, [REDACTED], then told me that Serrano "threw" a white index card into their vehicle just prior to leaving. The card contained

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Serrano's name and a phone number. [REDACTED] said they tried to call the number, but it just rang and no one picked it up. They also had a difficult time reading the name written on the card as it was not legible. I later verified the phone number on the card matched Serrano's phone number.

I received a cell phone call from Westminster Police Detective B. Jaipream. He told me he had been contacted by Serrano via telephone. Det. B. Jaipream said he instructed Serrano to return to the scene of the collision.

At that point a blue pick-up truck with the license plate number of [REDACTED] arrived at the scene. I asked [REDACTED] if that was the truck and he said he wasn't sure. I then asked if the person driving was the same person who collided with his vehicle. [REDACTED] and his wife both looked at the driver and said they could not tell because he was wearing a hat. The driver of the truck was not wearing a hat at the time of the collision. After Serrano exited his vehicle, both [REDACTED] and his wife positively identified Serrano as the driver of the vehicle that struck their car.

Refer to PSO J. Belton's report for additional details regarding the traffic collision investigation.

ARRESTEE GERRY LOUIS SERRANO'S STATEMENT

When Serrano arrived at the scene, I asked him about the collision. He told me they were south bound on the "405," when the driver of the other vehicle, [REDACTED], "slammed" on his breaks and he was unable to avoid a collision. They pulled over and started to exchange information with each other when [REDACTED] became angry and threatened to kick his ass. Serrano said he was not going stay if [REDACTED] was going threaten him. Fearing for his safety he left the scene in his vehicle.

While speaking with Serrano I could smell the odor of an alcoholic beverage coming from his breath. I asked him to remove his sunglasses and he did. At that point I noticed Serrano's eyes appeared watery and bloodshot and his speech was slurred. I asked Serrano if he had anything to drink and he told me "No." I then attempted to perform a Nystagmus test by

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having Serrano follow my finger with his eyes. His first attempt failed as he moved his head instead of his eyes. His second attempt stopped when he put his hat back on and refused to complete the test. In the few seconds I was watching his eyes, I noticed he had a lack of smooth pursuit as he tracked my finger to his left. I was not able to determine a horizontal angle of onset; however, the Nystagmus started almost immediately indicating to me that Serrano had some alcohol in his system. I also noticed that while speaking with him he began to sway in a circular motion and he appeared tired.

Serrano then told me that he has been a cop for 20 years and I should be arresting [REDACTED] for "422" (terrorist threats). He repeated several times that he did not leave the scene without leaving information. He was asked why he did not contact police if he believed he was a victim of a crime. He told me that he did; however, what Serrano did was contact a detective from the Westminster Police Department. He then stated that he called the detective because he did not have a phone number to the Huntington Beach Police Department. I didn't understand why he would contact a Westminster detective to obtain a Huntington Beach Police phone number. Further, I did not understand why as a 20 year police officer he simply did not call "911". It has been my experience that people impaired by alcohol will often make irrational statements that don't make sense to others.

Cpl. Weber and Cpl. Knauerhaze were present while I was speaking to Serrano. Refer to their supplemental reports for additional information.

While speaking with Serrano, he became more and more angry and at times confrontational. It has been my experience when dealing with individuals who have become impaired by alcohol that they will be defensive and argumentative.

I asked Serrano if he would be willing to perform a series of Filed Sobriety Tests (FSTs) to help determine if he was capable of safely operating a motor vehicle. Serrano would respond by saying he did not understand why he needed to perform a FST. He also said he did not know what an FST entailed. The FST was explained to him several times and eventually Serrano said "No". At that point, based on Serrano's driving (being involved in a traffic collision), statements from witnesses, and objective symptoms of being under the influence of

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alcohol, I determined Serrano's driving ability had been impaired by alcohol and was the primary collision factor. Serrano was placed under arrest for 23152(a) CVC.

While attempting to take Serrano into custody, I felt his arms and hands tense up and he began to pull away from my grasp. I asked Cpl. Weber to grab hold of his arm to assist me with safely taking Serrano into custody as those impaired by alcohol will often become violent. Once Serrano was handcuffed he began telling me, and the other officers on scene, that we were sick, pathetic, and we had better not come to Santa Ana. Again, it has been my past experience dealing with impaired drivers that they become belligerent and insulting as a result of alcohol. I then transported Serrano to WPD for booking.

Prior to leaving the scene, I looked in Serrano's glove compartment for a copy of his registration and insurance. Inside the glove compartment I saw a metal flask commonly used for holding alcohol. The top was open and there was nothing inside. His vehicle was then locked and left at the scene.

Once in the jail, Serrano's behavior continued to escalate; especially toward me. While escorting him through the hallway to the jail, he pulled away from my grasp twice. In the uncuffing cell he attempted to "chest bump" me. Once he was uncuffed and as he passed me in the booking area, he turned suddenly and placed his left hand, balled into a fist with his middle finger extended, approximately ten inches in front of my face and said "I'm not threatening you. You're a piece of shit!". Throughout the booking process Serrano would stare at me and call me an "asshole" and a "piece of shit". As well as numerous other expletive words. I ignored Serrano as I believed it was simply the alcohol that was impairing his judgment.

While at WPD Serrano was given a Chemical Test Admonition (per CVC 23612), by Sgt. A. Iwashita. He was asked to submit to a breath or blood test and he refused both. Lynn Fulton (LVN) for California Forensic Phlebotomy Inc. (CFP), responded to WPD to perform a forced blood draw on Serrano after he refused to submit to a chemical test; however, based on Serrano's behavior in the jail, it was determined unsafe for Fulton to preform the test. A copy of the refusal form was placed in the case file.

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Refer to Sgt. A. Iwashita's supplemental for additional information regarding Serrano's chemical test refusal.

Serrano was later cited for 23152(a) CVC-DUI. He was released after a detoxification period from WPD on citation #WE820885. I completed the DMV Officer's Statement form and served Serrano with his copy. An additional charge of 20002(a) CVC- Hit and run is requested to be added.

Serrano's vehicle was left parked and locked at the scene with his permission.

No further action taken.

ADMINISTRATION

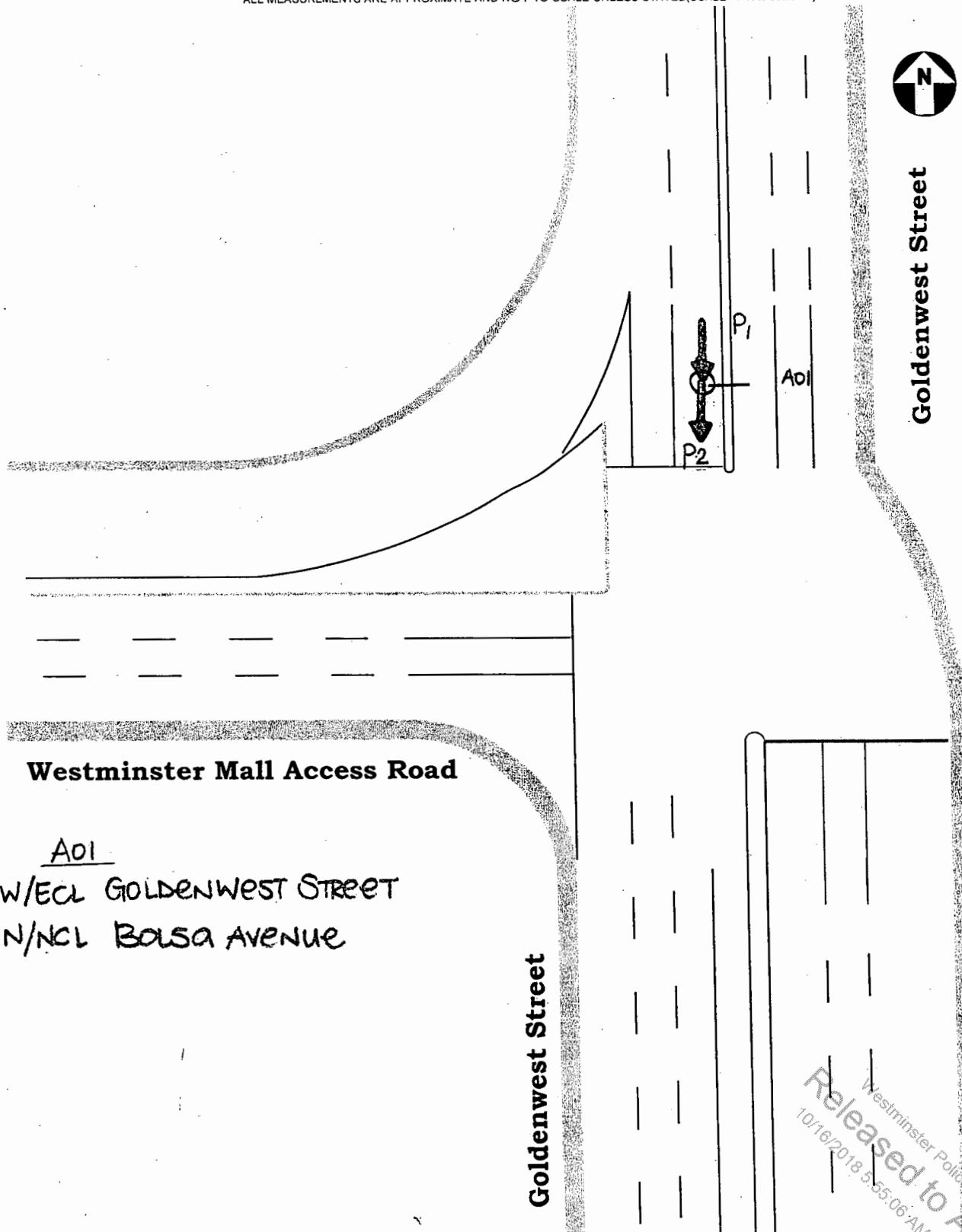
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STATE OF CALIFORNIA
FACTUAL DIAGRAM CHP 555
Page 4(Rev. 8-97) OPI 042

page 4 of 6

DATE OF COLLISION (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER I.D.	NUMBER
10-9-11	1507	3024	280	11-08917

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED(SCALE = Not to scale)



PREPARED BY	I.D. NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
BELTON	280	10-9-11		

STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL

CHP 556 (Rev 7-90) OPI 042

5 OF 6

Date of Incident/Occurrence 10/9/2011	Time(2400) 1507	NCIC NUMBER 3024	OFFICER IID# 280	NUMBER 11-08917
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1 **NOTIFICATION:**

2 I was dispatched to a call of a non-injury collision at 1507 hours. I responded from Bishop Place and
3 Moran Street and arrived on scene at 1520 hours. All times, speeds and measurements in this
4 investigation are approximate.

5 **SCENE:**

6 At the scene of this collision, Goldenwest Street is a northbound/southbound city street consisting of 3
7 lanes. The roadway is straight and has a negative grade southbound. The surface is composed primarily
8 of asphalt. Goldenwest Street is intersected by Bolsa Avenue. Bolsa Avenue is an eastbound/westbound
9 city street consisting of 3 lanes. The roadway is straight and level. The surface is composed primarily of
10 asphalt. The intersection is signal controlled.

11 **PARTIES:**

12 Party #1 (Serrano) fled the scene prior to my arrival.

13 **Chevrolet K1500**, Driver #1's vehicle, was not at the scene upon my arrival.

14 Party #2 [REDACTED] was located on scene. Party 2 was identified by a valid CA driver's license.

15 **Subaru Impreza**, Driver #2's vehicle, was located on its wheels.

16 **HIT AND RUN:**

17 Description of suspect vehicle:

18 Older model Chevy pickup truck/ Light Blue/ License Plate [REDACTED]

19 Description of suspect:

20 Male/ Caucasian or Hispanic/Mid 40s/ 5'07"- 5'09"/ Brown hair/ Green Eyes/ Thin Build

21 Who can identify the suspect:

22 [REDACTED] (P2) and [REDACTED] (Passenger 1)

23 **STATEMENTS:**

24 Party-1 (Serrano, Gerry) stated he was "traveling S/B on the 405 freeway when [P2] slammed on his
25 brakes in front of me." P1 said he tried to avoid the collision, but he hit P2. P1 said he wasn't going to
26 deny colliding into the back of P2. P1 said he pulled over and tried to exchange information with P2 but
27 P2 and his wife were getting aggressive. P1 said he was standing by P2's door and said, "Dude, here's
28 my information." P1 said P2 threatened a physical altercation with him.

29 P1 said he told P2, "I have to leave, my daughter's in the game in Huntington Beach, here's my info, so I
30 left." P1 said he was not going to stay there and get involved in a physical altercation with P2. P1 said he
31 called Westminster PD right way and said he was in an accident, this guy [P2] threatened him, so he left.

32 Party-2 [REDACTED] stated he was stopped at a red light (in the #1 lane) on the overpass of
33 Goldenwest Street at the 405 freeway traveling southbound. P1 said he just happened to looked up (at his
34 rearview mirror) and saw P2's vehicle "coming up real fast." P2 said P1 collided into the back of him as

PREPARER'S NAME AND I.D. NUMBER BELTON, J 280	DATE 10/9/2011	REVIEWER'S NAME	DATE
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STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL

CHP 556 (Rev 7-90) OPI 042

6 OF 6

Date of Incident/Occurrence 10/9/2011	Time(2400) 1507	NCIC NUMBER 3024	OFFICER ID # 280	NUMBER 11-08917
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46 he waited at the light. P2 said P1 proceeded S/B on Goldenwest and made a left (E/B) turn onto
47 Georgetown Avenue. P2 said he followed P1 and they parked along the SCL of Georgetown Avenue.
48

49 P2 said P1 told him they could take care of the damage themselves (without getting insurance involved).
50 P2 said he did not know what to do in this situation so he called his brother. P2 said his brother advised
51 him to call the police. P2 stated he believed P1 "was drunk." P2 said as P1 spoke to him, he was
52 "slurring his words." P2 said P1 "kept saying 'I'll handle it, I'll handle it,'" referring to the damage to
53 P2's vehicle. P2 said as P1 realized he had called the WPD, P1 said he could not "hang around here" and
54 attempted to leave.
55

56 P2 said prior to P1 leaving the scene, P1 began to "get disrespectful" to his wife. P2 said his wife
57 (████████) asked P1 for his driver's license. P2 said his wife was not being rude or yelling at P1. All
58 of a sudden P1 said something like "you're going to let your wife control you?" P2 said he told the
59 dispatcher to get someone there quickly because P1 was starting to get rude.
60

61 P2 said at that point, he opened his door with his foot in the opening between the door and the car. P2
62 said P1 was pushing against his door preventing him from getting out. (P2 demonstrated by leaving body
63 against the door.) P2 said the dispatcher told him to stay in his car. P2 said P1 "wasn't trying to work it
64 out, he was getting scary."
65

66 P2 said he followed P1 (S/B) on Goldenwest Street until he was advised by the WPD dispatcher not to
67 follow P1. P2 said he was advised to wait for the officer to respond. P2 said he turned about near the
68 Jon's Market sign (approximately 530' S/of Georgetown Avenue). P2 said the dispatcher then told him
69 he could follow P1. P2 said he attempted to catch up with P1 but believed he lost P1 in the area of
70 Goldenwest Street and Edinger Avenue.
71

72 P2 stated he did desire prosecution if/when P1 was located.
73

74 Passenger (████████) seated in right front passenger seat in vehicle 2 stated following the collision they
75 followed P1 onto Georgetown Avenue. ██████████ said she was outside of the vehicle when her husband
76 spoke to P1. ██████████ said she kept telling her husband not to let P1 leave. ██████████ said as P1 kept
77 saying "we'll handle this now...I'll pay you." She said P1 said they should not call insurance. ██████████
78 said she asked P1 for his ID. ██████████ said she told P1 he hit them to which P1 said it was not a big
79 deal. She said P1 again commented "let's just handle this," to which
80 ██████████ replied "no, we're calling the police."
81

82 She said P1 threw a card with his information into the car. ██████████ did not remember if P1 was on the
83 driver or passenger side when this was done. ██████████ said P1 said to her husband you're letting your
84 wife control you. Shortly after this exchange, P1 "took off." ██████████ said when P1 returned to the
85 scene they were advised not to look in P1's direction. ██████████ stated before receiving this direction
86 she noticed P1 was wearing a hat (a red baseball cap with a yellow/gold R on the front). Said P1 had not
87 been wearing the hat at the time of the collision.
88
89
90

PREPARER'S NAME AND I.D. NUMBER BELTON, J 280	DATE 10/9/2011	REVIEWER'S NAME	DATE 10/16/2018 5:55:06 AM - MAcontreras
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10/16/2018 5:55:06 AM - MAcontreras
Submitted to Attorney